THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21351 of 1997

Date:07.02.2007

Between:

M.Jesirathnam and others.

.. PETITIONERS

AND

The Special Deputy Collector,
East Godavari District and another.

..RESPONDENTS

ORDER:

The petitioners challenge the institution of proceedings by the second respondent before the first respondent under the A.P. Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70. The petitioners state that they have been granted pattas in respect of various extents of land in Sy.Nos.56/1, 64/4 and 65/2 situated at Rampa Village, Rampachodavaram Mandal, East Godavari District and that the second respondent has challenged the same before several authorities ranging from Special Deputy Collector to the Division Bench of this Court. They contend that having become unsuccessful in his efforts to get the pattas cancelled, the second respondent got initiated the proceedings before the first respondent.

The second respondent filed a counter-affidavit stating that the lands in respect of which the proceedings are initiated before the first respondents are totally different from those, which are subject

matter of the earlier proceedings. He further contends that the nature of adjudication in the earlier set of proceedings is different from that of the present one.

The first respondent also filed a counter-affidavit justifying the institution of proceedings.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

The petitioners claim that they have been granted pattas in respect of the lands in Sy.Nos.56/1, 64/4 and 65/2 situated at Rampa Village, Rampachodavaram Mandal, East Godavari District. The second respondent filed three separate applications against the petitioners and they were taken up as L.T.R.P.Nos.120, 121 and 122 of 1996. A perusal of the schedule of the properties mentioned in the applications discloses that they are different from those mentioned in the affidavit filed in support of the writ petition. Even assuming that the second respondent initiated proceedings in respect of the same lands, for which pattas were granted in favour of the petitioners, it shall always be open to the petitioners to bring the said fact to the notice of the first respondent. The question of interfering with the proceedings initiated by the second respondent would arise, if only the first respondent lacked jurisdiction to entertain the same.

Hence, this Court does not find any basis to entertain the writ petition and the same is accordingly dismissed. It is, however, made clear that it shall be open to the petitioners to put forward the factual and

legal contentions before the first respondent. The matters were stalled almost for a decade. The first respondent is directed to dispose of the proceedings, as early as possible not later than four months from the date of receipt of a copy of this order, after giving opportunity to the parties concerned. There shall be no order as to costs.

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07.02.2007

kdl